



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

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*271 Cadman Plaza East  
Brooklyn, New York 11201*

February 25, 2025

**FILED ON ECF**

The Honorable Hector Gonzalez  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *United States of America ex rel. Moy v. A C Pharmacy Corp., et al.*,  
Civil Action No. CV 15-5486 (Gonzalez, J.) (Merkl, M.J.)

Dear Judge Gonzalez:

This Office represents the United States of America in this *qui tam* action, which was filed under seal by Daniel Moy (“Relator”) pursuant to the False Claims Act, 31 U.S.C. §§ 3729-33 (the “FCA”), as well as the New York False Claims Act, New York State Fin. Law §§ 189, *et seq.* (the “NYFCA”). In his Complaint, Relator alleges that Defendants violated the FCA and the NYFCA by, *inter alia*, knowingly submitting to the United States and the State of New York false or fraudulent claims for reimbursement for pharmaceutical drugs that were unnecessarily dispensed or never dispensed by the pharmacy defendant. Relator also alleges that Defendants engaged in a kickback scheme, involving, among other things, false or fictitious prescriptions, fraudulent reimbursements for over-the-counter purchases, and improper arrangements with medical suppliers.

On September 3, 2024, the Court extended the time for the United States and New York to determine whether to intervene until further order of the Court, and through at least February 26, 2025<sup>1</sup>. In the same order, the Court lifted the seal over its order, the Relator’s Complaint, and “any matter occurring in these actions hereafter.” We write to request an additional extension of time to intervene through August 26, 2025 to facilitate continuing settlement efforts with *qui tam* defendants against whom we believe we have viable civil claims.

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<sup>1</sup> To the extent the Court’s Individual Rule I.D.1. applies to the Government’s application to extend its time to intervene, we apologize for the lateness of this request and will be mindful of this deadline in future matters.

As noted in our August 26, 2024 letter submitted under seal, due to the criminal matters before Your Honor involving overlapping defendants, we are addressing complexities arising from coordinating civil monetary relief with the relief ordered in the criminal cases. Since the Court's September 3, 2024 order, all criminal defendants have been sentenced and restitution and forfeiture have been ordered. These developments have provided this Office with information relevant to its determination of appropriate relief in the civil matter. We continue to coordinate with Relator, agency personnel, the defendants and the Criminal Division to obtain additional information to resolve issues in furtherance of settlement.

We believe it is in the best interest of all parties to extend the intervention deadline to permit additional time to reach settlement. We respectfully request that the Court extend the United States and New York's intervention deadline through August 26, 2025. The Relator consents to this request.

We thank the Court for its consideration of this request.

Respectfully submitted,

JOHN J. DURHAM  
United States Attorney

By: /s/ Tsz Ting Tam  
Tsz Ting Tam  
Assistant U.S. Attorney  
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Enclosure

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA  
*ex rel.* DANIEL MOY,

Plaintiff,

v.

A C PHARMACY CORP., JENNAN  
COMPREHENSIVE MEDICAL, P.C.,  
MAGGIE CHEN, AMANDA Y. HON,  
JOHN HON, SI CI ZHU, JOHN DZAAN-  
HONG CHING, WISELY LIU,  
FLORENCE MUI, HENRY CHEN, M.D.,  
YANHAN HUANG, M.D., JOHN YIU,  
M.D., TINA WONG, M.D., PUI-CHING  
MAK, QING XIANG HUANG; XING LIAN  
CHEN, JACKY LEE, and  
RICHARD SHADRIN,

Defendants.

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**STIPULATION AND ORDER**

Civil Action No. 15-CV-5486

(Gonzalez, J)  
(Merkel, M.J.)

WHEREAS, on or about September 22, 2015, Daniel Moy (the “Relator”) filed the above-referenced action, in which Relator asserted claims on behalf of the United States pursuant to the *qui tam* provisions of the False Claims Act, 31 U.S.C. §§ 3729-33 (the “FCA”);

WHEREAS, in accordance with 31 U.S.C. § 3730(b), Relator’s complaint was sealed for a period of at least sixty days from the date of filing;

WHEREAS, the Court partially unsealed the action on September 3, 2024;

WHEREAS, the Court most recently extended the intervention deadline until February 26, 2025;

WHEREAS, in order for the United States to have time to adequately investigate

and evaluate the allegations contained in Relator's complaint, the United States, with the consent of Relator's counsel, respectfully requests that its time to intervene in this action be extended until further order of the Court, and at least until August 26, 2025;

WHEREAS, in the interests of judicial economy, and to ensure consistency with the federal deadline, the United States respectfully requests that the extension of the intervention deadline also be deemed for the benefit of the State of New York;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by the undersigned counsel for Relator and the United States that:

1. In order to allow the United States time to investigate and evaluate the allegations contained in Relator's complaint, the United States shall have until further order of the Court, and at least until August 26, 2025, to determine whether to elect to intervene in the above-captioned *qui tam* action.

2. The extension shall be deemed for the benefit of the State of New York as well as for the United States.

Dated: Brooklyn, New York  
February 25, 2025

JOHN J. DURHAM  
UNITED STATES ATTORNEY  
Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, New York 11201

By: /s/ Tsz Ting Tam  
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Dated: New York, New York  
February 25, 2025

ALLEGAERT BERGER & VOGEL LLP  
111 Broadway, 20<sup>th</sup> Floor  
New York, New York 10006

By: /s/ John S. Craig  
John S. Craig  
(212) 571-0550

SO ORDERED:

Brooklyn, New York  
\_\_\_\_\_, 2025

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HONORABLE HECTOR GONZALEZ  
United States District Judge, E.D.N.Y.